

Serial No.: 10/054,028  
Response to OA of 01/28/2005

### Remarks

In the present response, no claims are amended. Claims 1-23 are presented for examination.

#### I. Claim Rejections: 35 USC § 103

Claims 1-23 are rejected under 35 USC § 103(a) as being unpatentable over USPN 6,760,413 (hereafter Cannon) in view of USPN 6,647,107 (hereafter Horrer). Applicants respectfully traverse.

To establish a prima facie case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art cited must teach or suggest all the claim limitations. *See* M.P.E.P. § 2143.

Applicants assert that the rejection does not satisfy the criteria M.P.E.P. § 2143. Applicants provide examples of these deficiencies with regard to the independent claims (1, 12, 13, & 23). Other deficiencies exist as well, and Applicants do not waive the right to assert such deficiencies.

#### Claim 1

Claim 1 recites numerous limitations that are not taught or suggested in Cannon in view of Horrer. By way of example, claim 1 recites (emphasis added):

associated with said call-processing means, sensing means for providing real-time information signals indicative of real-time **activity proximate** said call-processing means.

Nowhere does Cannon and/or Horrer teach or disclose a sensing means that provides signals indicative of real-time **activity proximate** the call-processing means. The Office Action cites Cannon and states: "sensing means (detector/receiver 13 and

Serial No.: 10/054,028  
Response to OA of 01/28/2005

callee related information transmitter 130)" (see OA, pages 2-3). Applicants respectfully disagree.

The detector/receiver 13 in Cannon is not a sensing means that provides signals indicative of activity proximate the call-processing means. In fact, the detector/receiver 13 is not even a sensor at all. Cannon explicitly discusses the function of the detector/receiver 13:

A call information detector/receiver 13 is connected to the telephone line interface 12 to receive call related information with respect to an incoming telephone call, e.g., Caller ID information. The call related information can include, e.g., a telephone number, a personal name and/or a business name associated with the incoming telephone call or conference call participant. (Col. 3, lines 52-57).

Thus, the detector/receiver 13 is connected to the telephone line interface 12 to receive caller ID information. Cannon does not teach or suggest that the detector/receiver 13 is sensing means that provides signals indicative of activity proximate the call-processing means. Cannon reiterates the function of the detector/receiver 13:

A call related information detector/receiver 13 is connected to the telephone line interface 112 to receive call related information with respect to an incoming telephone call, e.g., Caller ID information. (Col. 4, lines 59-63).

Applicants further respectfully request that the terms of a claim be given their plain meaning (see MPEP 2111.01). In this regard, Merriam-Webster Online dictionary ([www.merriam-webster.com](http://www.merriam-webster.com)) provides the following definition for **activity**:

- 1 : the quality or state of being active
- 2 : vigorous or energetic action : LIVELINESS

Serial No.: 10/054,028  
Response to OA of 01/28/2005

Nowhere does Cannon in view of Horrер teach or suggest sensing means that provides signals indicative of activity proximate the call-processing means.

For at least these reasons, claim 1 is allowable over Cannon in view of Horrер.

A dependent claim inherits the limitations of the base claim. Thus, for at least the reasons given in connection with independent claim 1, all dependent claims depending from claim 1 are also allowable over Cannon in view of Horrер.

### Claim 12

Claim 12 recites numerous limitations that are not taught or suggested in Cannon in view of Horrер. By way of example, claim 1 recites (emphasis added):

real time information storage device for collecting and storing  
data representative of **current activity relative to each said  
telecommunications device.**

Nowhere does Cannon and/or Horrер teach or disclose a storage device that collects and stores data representative of current activity relative to each said telecommunications device.

FIG. 3 in Cannon does teach a telephone system that "includes a callee related information transmitter 130 capable of transmitting local call related information 187" (col. 5, lines 3-5). Cannon, however, explains what the call related information 187 includes:

Suitable local call related information 187 may include, but is in no way limited to, the name of the room that the extension is located in (e.g., bedroom), the name of the family or business member assigned to use the called telephone 110, the time of day or other local information regarding the called telephone 110, etc. (Col. 5, lines 22-27).

Serial No.: 10/054,028  
Response to OA of 01/28/2005

Nowhere does Cannon and/or Horrer teach or disclose a storage device that collects and stores data representative of current activity relative to each said telecommunications device.

The Office Action cites Cannon and states: "sensing means (detector/receiver 13 and callee related information transmitter 130)" (see OA, pages 2-3). Applicants respectfully disagree.

Nowhere does Cannon teach or suggest collecting and storing data representative of current activity. The detector/receiver 13 in Cannon does not collect data representative of current activity. In fact, the detector/receiver 13 does not even collect data of any activity. Cannon explicitly discusses the function of the detector/receiver 13:

A call information detector/receiver 13 is connected to the telephone line interface 12 to receive call related information with respect to an incoming telephone call, e.g., Caller ID information. The call related information can include, e.g., a telephone number, a personal name and/or a business name associated with the incoming telephone call or conference call participant. (Col. 3, lines 52-57).

Thus, the detector/receiver 13 is connected to the telephone line interface 12 to receive caller ID information. Cannon does not teach or suggest that the detector/receiver 13 collects and stores data of current activity relative to each telecommunications device. Cannon reiterates the function of the detector/receiver 13:

A call related information detector/receiver 13 is connected to the telephone line interface 112 to receive call related information with respect to an incoming telephone call, e.g., Caller ID information. (Col. 4, lines 59-63).

Applicants further respectfully request that the terms of a claim be given their plain meaning (see MPEP 2111.01). In this regard, Applicants provided supra a plain

Serial No.: 10/054,028  
Response to OA of 01/28/2005

meaning definition of activity. Nowhere does Cannon in view of Horrер teach or suggest a storage device for collecting and storing data representative of current activity relative to each telecommunications device.

For at least these reasons, claim 12 is allowable over Cannon in view of Horrер.

### **Claim 13**

Claim 13 recites numerous limitations that are not taught or suggested in Cannon in view of Horrер. By way of example, claim 13 recites (emphasis added):

obtaining real-time information regarding the **environment**  
proximate said device.

Nowhere does Cannon and/or Horrер teach or disclose obtaining real-time information regarding the environment proximate said device. The Office Action cites Cannon and states: "sensing means (detector/receiver 13 and callee related information transmitter 130)" (see OA, pages 2-3). Applicants respectfully disagree.

The detector/receiver 13 in Cannon is not for obtaining real-time information regarding the environment proximate a device. In fact, the detector/receiver 13 does not even obtain information regarding the environment at all. Cannon explicitly discusses the function of the detector/receiver 13:

A call information detector/receiver 13 is connected to the telephone line interface 12 to receive call related information with respect to an incoming telephone call, e.g., Caller ID information. The call related information can include, e.g., a telephone number, a personal name and/or a business name associated with the incoming telephone call or conference call participant. (Col. 3, lines 52-57).

Thus, the detector/receiver 13 is connected to the telephone line interface 12 to receive caller ID information. Cannon does not teach or suggest that the detector/receiver

Serial No.: 10/054,028  
Response to OA of 01/28/2005

13 is for obtaining real-time information regarding the environment proximate said device. Cannon reiterates the function of the detector/receiver 13:

A call related information detector/receiver 13 is connected to the telephone line interface 112 to receive call related information with respect to an incoming telephone call, e.g., Caller ID information. (Col. 4, lines 59-63).

Applicants further respectfully request that the terms of a claim be given their plain meaning (see MPEP 2111.01). In this regard, Merriam-Webster Online dictionary ([www.merriam-webster.com](http://www.merriam-webster.com)) provides the following definition for **environment**:

**1** : the circumstances, objects, or conditions by which one is surrounded.

Nowhere does Cannon in view of Horrер teach or suggest obtaining real-time information regarding the environment proximate said device.

For at least these reasons, claim 13 is allowable over Cannon in view of Horrер.

A dependent claim inherits the limitations of the base claim. Thus, for at least the reasons given in connection with independent claim 13, all dependent claims depending from claim 13 are also allowable over Cannon in view of Horrер.

#### **Claim 23**

Claim 23 recites numerous limitations that are not taught or suggested in Cannon in view of Horrер. By way of example, claim 23 recites (emphasis added):

**monitoring said first location for current activities within a known proximity to said first location.**

Nowhere does Cannon and/or Horrер teach or disclose monitoring a first location for current activities within a known proximity to the first location. The Office Action

Serial No.: 10/054,028  
Response to OA of 01/28/2005

cites Cannon and states: "sensing means (detector/receiver 13 and callee related information transmitter 130)" (see OA, pages 2-3). Applicants respectfully disagree.

The detector/receiver 13 in Cannon is not for monitoring a first location for current activities within a known proximity to the first location. In fact, the detector/receiver 13 does not even monitor a location of any activities at all. Cannon explicitly discusses the function of the detector/receiver 13:

A call information detector/receiver 13 is connected to the telephone line interface 12 to receive call related information with respect to an incoming telephone call, e.g., Caller ID information. The call related information can include, e.g., a telephone number, a personal name and/or a business name associated with the incoming telephone call or conference call participant. (Col. 3, lines 52-57).

Thus, the detector/receiver 13 is connected to the telephone line interface 12 to receive caller ID information. Cannon does not teach or suggest that the detector/receiver 13 is for monitoring a first location for current activities within a known proximity to the first location. Cannon reiterates the function of the detector/receiver 13:

A call related information detector/receiver 13 is connected to the telephone line interface 112 to receive call related information with respect to an incoming telephone call, e.g., Caller ID information. (Col. 4, lines 59-63).

Applicants further respectfully request that the terms of a claim be given their plain meaning (see MPEP 2111.01). In this regard, Applicants provided supra a plain meaning definition of activity. Nowhere does Cannon in view of Horrer teach or suggest monitoring a first location for current activities within a known proximity to the first location.

For at least these reasons, claim 23 is allowable over Cannon in view of Horrer.

Serial No.: 10/054,028  
Response to OA of 01/28/2005

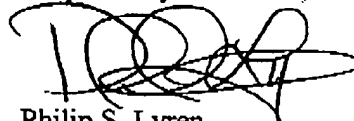
### CONCLUSION

In view of the above, Applicants believe all pending claims are in condition for allowance. Allowance of these claims is respectfully requested.

Any inquiry regarding this Amendment and Response should be directed to Philip S. Lyren at Telephone No. (281) 514-8236, Facsimile No. (281) 514-8332. In addition, all correspondence should continue to be directed to the following address:

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Respectfully submitted,



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#### CERTIFICATE UNDER 37 C.F.R. 1.8

The undersigned hereby certifies that this paper or papers, as described herein, is being transmitted to the United States Patent and Trademark Office facsimile number 703-872-9306 on this 28th day of April, 2005.

By



Name: Be Henry